

**BEFORE THE MISSOURI REAL ESTATE COMMISSION**

MISSOURI REAL ESTATE Commission,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 14-0008 RE
	)	
BASSETT REALTY LLC	)	
and	)	
ARNOLD C. BASSETT,	)	
	)	
Respondents.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

On or about April 1, 2014, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Bassett Realty LLC and Arnold C. Bassett*, No. 14-0008 RE. In that Default Decision, the Administrative Hearing Commission found that Respondents Arnold C. Bassett's real estate broker and broker associate licenses (license nos. 1999006678 and 2003000557) and Bassett Realty LLC's real estate association license (license no. 2003000545) are subject to disciplinary action by the Commission pursuant to § 339.100.2 (1), (3), (15), (16) and (19) RSMo,<sup>1</sup> and 20 CSR 2250-8.020.

The Missouri Real Estate Commission ("Commission") has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on August 6, 2014, at the Division of Professional Registration, 3605 Missouri Boulevard,

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<sup>1</sup>All Statutory References are to the Revised Statutes of Missouri, 2000, as amended, unless otherwise indicated.

Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondents' licenses. All of the members of the Commission were present throughout the meeting. Further, each member of the Commission that was present for the hearing has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Mary Long. Respondents having received proper notice and opportunity to appear, Respondent Arnold C. Bassett appeared in person without legal counsel. Respondent Bassett Realty LLC was not represented by counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues these following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

**I.**

**FINDINGS OF FACT**

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission issued Arnold C. Bassett's real estate broker and broker associate licenses 1999006678 and 2003000557 and Bassett Realty LLC's real estate association license 2003000545. Respondents' licenses were current at all times relevant to the actions in the properly pled complaint. Respondents' licenses expired June 30, 2014 due to non-renewal.

3. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Bassett Realty*

*LLC and Arnold C. Bassett*, No. 14-0008 RE, in its entirety. In that Default Decision, the Administrative Hearing Commission determined that the Commission filed a properly pled complaint on or about January 7, 2014, that Respondents were served with the complaint and the Respondents never filed an answer or otherwise responded to the complaint.

4. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondents in a proper and timely fashion.

5. In its April 1, 2014 Default Decision, the Administrative Hearing Commission found that the Commission had ground to discipline Respondents' licenses pursuant to § 339.100.2 (1), (3), (15), (16) and (19) RSMo and 20 CSR 2250-8.020 as established in the properly pled complaint.

## II.

### CONCLUSIONS OF LAW

6. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

7. The Commission expressly adopts and incorporates by reference the properly pled Complaint and Default Decision issued by the Administrative Hearing Commission dated April 1, 2014, in *Missouri Real Estate Commission v. Bassett Realty LLC and Arnold C. Bassett*, No. 14-0008 RE, enters its conclusions of law consistent therewith.

8. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated April 1, 2014, Respondents' real estate licenses are subject to disciplinary action by the Commission pursuant to § 339.100.2 (1), (3), (15), (16) and (19) RSMo and 20 CSR 2250-8.020.

9. The Commission has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that:

Respondent Bassett Realty LLC's real estate association license (license no. 2003000545) is hereby **REVOKED**. All evidence of Respondent Bassett Realty LLC's licensure shall be returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form.

Effective upon renewal/reactivation of the broker and broker associate licenses, Respondent Arnold C. Bassett's real estate broker and broker associate licenses (license nos. 1999006678 and 2003000557) shall be **SUSPENDED** until the Closing of a Real Estate Brokerage/Solo Proprietorship form is received for Bassett Realty, LLC but for no longer than three (3) years. The period of suspension shall be followed by **FIVE (5) YEARS PROBATION**. The period of suspension and probation shall constitute the "disciplinary period". During the period of probation, Respondent Arnold C. Bassett shall be entitled to practice only as a real estate broker under Chapter 339, RSMo, as amended, provided Respondent Arnold C. Bassett adheres to all terms of this Order.

The terms and conditions of the disciplinary period are as follows:

A. Respondent Arnold C. Bassett shall keep the Commission apprised at all times, in writing, of Respondent's current addresses and telephone numbers at each place of residence and

business. Respondent shall notify the Commission within ten (10) days of any change in this information.

B. Respondent Arnold C. Bassett shall timely renew his real estate license(s), timely pay all fees required for license renewal and shall comply with all other requirements necessary to maintain his license(s) in a current and active status. During the disciplinary period, Respondent shall not place his real estate license(s) on inactive status as would otherwise be allowed under 20 CSR 2250-4.040 or 20 CSR 2250-4.050. Alternatively without violating the terms and conditions of this Order Respondent may surrender his real estate license(s). After surrender, Respondent shall be required to re-qualify as if an original applicant and the Commission will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and disciplinary set forth in this Order.

C. Respondent Arnold C. Bassett shall meet in person with the Commission or its representative at any such time or place as required by the Commission or its designee upon notification from the Commission or its designee. Said meetings will be at the Commission's discretion and may occur periodically during the probation period.

D. During the disciplinary period, Respondent Arnold C. Bassett shall accept and comply with unannounced visits from the Commission's representative to monitor compliance with the terms and conditions of this Order.

E. Respondent Arnold C. Bassett shall comply with all relevant provisions of Chapter 339, RSMo, as amended, all rules and regulations duly promulgated thereunder, all local, state, and federation laws. "State" as used here in includes the State of Missouri and all other states and territories of the United States. Any cause to discipline Respondent's real estate

license under §339.532.2, RSMo, as amended, that accrues during the disciplinary period shall also constitute a violation of this Order.

F. Upon the expiration and successful completion of the disciplinary period, Respondent's respective real estate broker license shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Commission determines that Respondent has violated any term or condition of this Order, the Commission may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Respondent's real estate broker and broker associate licenses.

No additional discipline shall be imposed by the Commission pursuant to the preceding paragraph of this Order without notice and opportunity for hearing before the Commission as a contested case in accordance with the provisions of Chapter 536, RSMo.

This Order does not bind the Commission or restrict the remedies available to it concerning any future violations by Respondent Arnold C. Bassett of §§ 339.010 through 339.205 and §§ 339.710 through 339.855, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Order.

This Order does not bid the Commission to restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Order that are either now known to the Commission or may be discovered.

Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and/or its settlement.

The terms of this Order are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Order nor any of its provisions may be

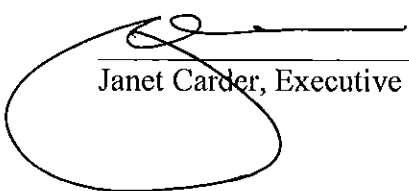
changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

The parties to this Order understand that the Commission will maintain this Order as an open record of the Commission as provided in Chapters 339, 610, and 324, RSMo.

Respondent Arnold C. Bassett together with his partners, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the Commission, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Order. The parties acknowledge that this paragraph is severable from the remaining portions of the Order in that it survives in perpetuity even in the event that any court or administrative tribunal deems this Order or any portion thereof void or unenforceable.

**SO ORDERED, EFFECTIVE THIS 11<sup>th</sup> DAY OF August, 2014**

MISSOURI REAL ESTATE COMMISSION

  
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Janet Carder, Executive Director